

REFERENCE TITLE: school districts; educational mismanagement; intervention

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HB 2711

Introduced by  
Representatives Campbell CL, Miranda B, Senator Landrum Taylor:  
Representatives Campbell CH, Lopez

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-107; RELATING TO SCHOOL MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,  
3 is amended by adding section 15-107, to read:

4 15-107. School districts: educational mismanagement:  
5 intervention

6 A. THE DEPARTMENT SHALL INVESTIGATE A SCHOOL DISTRICT FOR SYSTEMIC  
7 EDUCATIONAL MISMANAGEMENT IF BOTH OF THE FOLLOWING CONDITIONS EXIST:

8 1. FIFTY PER CENT OR MORE OF THE SCHOOLS IN THE SCHOOL DISTRICT ARE  
9 DESIGNATED UNDERPERFORMING OR FAILING TO MEET ACADEMIC STANDARDS PURSUANT TO  
10 SECTION 15-241.

11 2. AT LEAST ONE SCHOOL IN THE SCHOOL DISTRICT HAS BEEN DESIGNATED A  
12 SCHOOL FAILING TO MEET ACADEMIC STANDARDS PURSUANT TO SECTION 15-241.

13 B. IF THE DEPARTMENT DETERMINES THAT THE CONDITIONS DESCRIBED IN  
14 SECTION A OF THIS SECTION ARE CAUSED BY SYSTEMIC EDUCATIONAL MISMANAGEMENT,  
15 THE DEPARTMENT MAY RECOMMEND INTERVENTION TO THE STATE BOARD. THE DEPARTMENT  
16 HAS THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE TO THE STATE  
17 BOARD THAT THE CONDITIONS DESCRIBED IN SUBSECTION A OF THIS SECTION EXIST AND  
18 THAT THE CONDITIONS HAVE BEEN CAUSED BY SYSTEMIC EDUCATIONAL MISMANAGEMENT OF  
19 THE SCHOOL DISTRICT. IF THE STATE BOARD FINDS THAT THE DEPARTMENT HAS  
20 SATISFIED THIS BURDEN OF PROOF, THE STATE BOARD SHALL APPOINT A PERSON  
21 RECOMMENDED BY THE DEPARTMENT TO SERVE AS THE TURNAROUND SUPERINTENDENT FOR  
22 THE SCHOOL DISTRICT. THE TURNAROUND SUPERINTENDENT SHALL REPORT DIRECTLY TO  
23 THE STATE BOARD AND SHALL NOT REPORT TO THE GOVERNING BOARD OF THE SCHOOL  
24 DISTRICT.

25 C. A TURNAROUND SUPERINTENDENT SHALL SERVE A TERM OF THREE YEARS. A  
26 TURNAROUND SUPERINTENDENT MAY BE TERMINATED FOR CAUSE BY THE STATE BOARD. ON  
27 THE EXPIRATION OF THE TERM OF THE TURNAROUND SUPERINTENDENT, THE CONTROL OF  
28 THE SCHOOL DISTRICT SHALL BE RETURNED TO THE GOVERNING BOARD OF THE SCHOOL  
29 DISTRICT.

30 D. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, IF THE DEPARTMENT  
31 DETERMINES THAT THE CONDITIONS PRESCRIBED IN SUBSECTION A OF THIS SECTION  
32 CONTINUE TO EXIST AFTER THE EXPIRATION OF THE TERM OF A TURNAROUND  
33 SUPERINTENDENT, THE STATE BOARD SHALL EITHER REAPPOINT THE TURNAROUND  
34 SUPERINTENDENT FOR A SECOND TERM OR APPOINT A DIFFERENT PERSON AS TURNAROUND  
35 SUPERINTENDENT FOR A NEW TERM OF THREE YEARS.

36 E. A TURNAROUND SUPERINTENDENT SHALL REPLACE THE EXISTING  
37 SUPERINTENDENT OF THE SCHOOL DISTRICT. THE GOVERNING BOARD OF THE SCHOOL  
38 DISTRICT SHALL PAY THE TURNAROUND SUPERINTENDENT THE SAME SALARY PAID TO THE  
39 FORMER SUPERINTENDENT OF THE SCHOOL DISTRICT. THE DEPARTMENT MAY SUPPLEMENT  
40 THE SALARY OF A TURNAROUND SUPERINTENDENT WITH MONIES FROM THE CLASSROOM  
41 SITE FUND ESTABLISHED BY SECTION 15-977. THE TURNAROUND SUPERINTENDENT MAY  
42 HIRE PERSONNEL, TERMINATE PERSONNEL, CANCEL EXISTING EMPLOYMENT CONTRACTS AND  
43 OVERRIDE DECISIONS OF THE GOVERNING BOARD OF THE SCHOOL DISTRICT.

44 Sec. 2. Emergency

45 This act is an emergency measure that is necessary to preserve the  
46 public peace, health or safety and is operative immediately as provided by  
47 law.